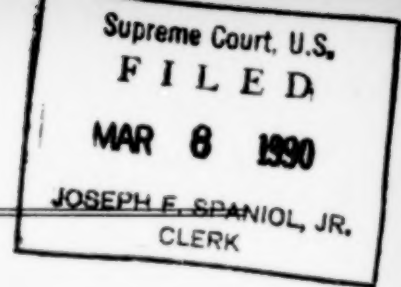


(9)
No. 89-152



In The
Supreme Court of the United States
October Term, 1989

—◆—
VERA M. ENGLISH,

Petitioner,

v.

GENERAL ELECTRIC COMPANY,

Respondent.

—◆—
**On Writ Of Certiorari To The United States Court
Of Appeals For The Fourth Circuit**

—◆—
JOINT APPENDIX
—◆—

M. TRAVIS PAYNE
EDELSTEIN, PAYNE, & NELSON
P. O. Box 12607
Raleigh, NC 27605
(919) 828-1456

ARTHUR M. SCHILLER
Attorney at Law
Suite 430
1920 N. Street, N.W.
Washington, DC 20036
(202) 857-5658
Counsel for Petitioner

CARTER G. PHILLIPS
SIDLEY & AUSTIN
1722 Eye Street, N.W.
Washington, DC 2006
(202) 429-4000
Counsel for Respondent

=====
**Petition For Certiorari Filed July 27, 1989
Certiorari Granted January 22, 1990**
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Note: A number of documents that are relevant to this appeal were printed and filed with the Petition for Certiorari. Pursuant to Rule 33.1, they are not being re-printed in this Appendix. However, for the use and convenience of the Court, the documents and the page at which they may be found in the Appendix to the Petition, are set out below.

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¹ Plaintiff's appeal was docketed as case number 88-3976. Defendant subsequently cross-appealed. The cross-appeal was assigned case number 88-3982, and was consolidated with the original appeal. Because the docket sheets are identical after the consolidation, only the docket sheets for case number 88-3976 are re-produced here.

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GENERAL DOCKET
U. S. COURT OF APPEALS
FOR THE FOURTH CIRCUIT

English v. General Electric	88-3976
3/22/88	Civil case docketed.
3/22/88	Record on appeal filed.
3/22/88	Briefing order filed. A/P brief due: May 2, 1988.
3/22/88	Docketing notice issued.
3/24/88	Docketing statement filed by Appellant Vera M. English.
3/25/88	Clerk order filed consolidating case(s) 88-3982 with 88-3976 for briefing and oral argument.
3/25/88	Clerk order filed rescinding briefing order.
3/25/88	Supplement to record on appeal filed.
3/25/88	Cross-appeal briefing order filed. A/P brief due: May 4, 1988.
3/25/88	Docketing notice issued.
3/29/88	Disclosure statement filed by appellant Vera M. English in 88-3976, appellee Vera M. English in 88-3982.
3/31/88	Docketing statement filed by Appellant General Electric Co. in 88-3982.
3/31/88	Disclosure statement filed by Appellee General Electric in 88-3976.
5/4/88	Cross-brief joint appendix filed by Appellant in 88-3976.
5/6/88	Amicus curiae brief filed by Govt. Acc. Proj.
5/6/88	Motion filed by Government Account in 88-3976, Government Account in 88-3982 to file amicus brief.

5/9/88 Response to motion to file amicus brief in 88-3976, 88-3982 requested of Appellee General Electric in 88-3976, Appellant Vera M. English in 88-3976, Appellant General Electric Co in 88-3982, Appellee Vera M. English in 88-3982 on or before May 16, 1988.

5/13/88 Response to motion to file amicus brief in 88-3982, 88-3976, filed by Appellee Vera M. English in 88-3982, Appellant Vera M. English in 88-3976.

5/17/88 Response to motion to file amicus brief in 88-3976, 88-3982 filed by Appellee General Electric in 88-3976, Appellant General Electric Co in 88-3982.

5/19/88 Clerk order filed granting motion to file amicus brief in 88-3976, granting motion to file amicus brief in 88-3982

6/6/88 Cross-brief filed by Appellee in 88-3976, Appellant in 88-3982.

7/11/88 Cross-reply brief filed by Appellant in 88-3976, Appellee in 88-3982.

7/22/88 Motion filed by Appellee General Electric in 88-3976, Appellant General Electric Co in 88-3982 to extend time to file e's cross-reply brief until 8/11/88.

7/26/88 Clerk order filed granting motion to extend time to file e's xrpl brief until: August 11, 1988 in 88-3976, granting motion to extend time to file e's xrpl brief until: August 11, 1988 in 88-3982.

7/29/88 Supplemental authorities (FRAP 28 (j)) filed by Appellant Vera M. English in 88-3976, Appellee Vera M. English in 88-3982.

8/11/88 Cross-reply brief filed by Appellee General Electric in 88-3976, Appellant General Electric Co in 88-3982.

9/15/88 Disclosure statement filed by Government Account in 88-3976, Government Account in 88-3982.

10/18/88 Case calendared for oral argument.

12/5/88 Oral argument heard.

4/3/89 Published per curiam opinion filed.

4/3/89 Judgment order filed. Terminated on the Merits after Oral Hearing; Affirmed; Written, Unsigned, Published. DSR, Judge, HEW, Judge, KKH, Judge.

4/17/89 Petition filed by Appellant Vera M. English in 88-2976, Appellee Vera M. English in 88-3982 for rehearing.

4/28/89 Court order filed by DSR, HEW, KKH denying motion for rehearing in 88-3976, denying motion for rehearing in 88-3982, denying motion for suggestion for reh in banc in 88-3976, denying motion for suggestion reh in banc in 88-3982.

5/15/89 Federal Reporter Citation: 871 F.2d 22.

5/22/89 Mandate issued.

8/3/89 Supreme Court notice received of filing of petition for certiorari on 07/27/89. Supreme Court No. 89-152.

PLAINTIFFS

DEFENDANTS

ENGLISH, VERA M.

GENERAL ELECTRIC
COMPANY

87-31-CIV-7

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA1987

3/13 COMPLAINT W/JURY DEMAND - Plff. seeks compensatory damages for lost wages & benefits, compensatory damages for medical expenses, punitive damages & costs for wrongful discharge

Summons issued

3/30 DEFT'S MOTION FOR EXT. OF TIME TO FILE RESPONSIVE PLEADINGS

3/30 ORDER - Deft. allowed to & including 5/5/87 to file responsive pleadings

4/29 PLFF'S AMENDMENT TO HER COMPLAINT

5/1 DEFT'S MOTION FOR COURT APPROVAL FOR ENLARGING LENGTH OF SUPPORTING MEMORANDA

5/1 ORDER ON MOTION - Deft. is authorized to file memorandum in support of motion to dismiss not to exceed 50 pages

5/5 DEFT'S MOTION TO DISMISS (RULE 12 (b))

5/5 DEFT'S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS W/APPENDIX

5/8 DEFT'S MOTION TO DISMISS COMPLAINT AS AMENDED

5/20 PLFF'S MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFT'S MOTION TO DISMISS

5/20 ORDER - Plff. shall have to & including 6/26/87 to respond to motion to dismiss

6/23 PLFF'S MOTION FOR FURTHER EXTENSION OF TIME TO RESPOND TO DEFT'S MOTION TO DISMISS

6/23 PLFF'S MOTION TO ENLARGE LENGTH OF HER BRIEF TO EXCEED 30 PAGES

6/25 ORDER ON EXTENSION OF TIME - Plff. shall have to & including 7/10/87 to file response to motion to dismiss

7/6 ORDER - Plff. is authorized to submit brief not exceeding 50 pages in response to motion of deft. to dismiss

7/13 PLFF'S BRIEF IN RESPONSE TO DEFT'S MOTION TO DISMISS

7/13 PLFF'S APPENDIX ACCOMPANYING HER BRIEF

7/14 Sent for instructions on dispositive motions (Judge Dupree w/file)

7/21/87 REQUEST FOR EXTENSION OF TIME TO FILE REPLY - by deft. up to and through 8/14/87.

7/24/87 ORDER - deft. shall have up to and including the 14 of August 1987 in which to file its reply.

7/28 DEFT'S LETTER REQUEST FOR ORAL HEARING ON MOTION TO DISMISS

8/14 DEFT'S REPLY MEMORANDUM IN SUPPORT OF PRE-ANSWER MOTION TO DISMISS W/APPENDIX

8/14 DEFT'S MOTION TO ENLARGE LENGTH OF REPLY

8/14 ORDER ON MOTION TO ENLARGE - Deft. authorized to file a memorandum in support of its motion to dismiss not to exceed 20 pages

1988

2/12 ORDER ON MOTION TO DISMISS OF DEFT. - Action is dismissed in its entirety & Clerk is directed to enter judgment accordingly (DUPREE, J)

2/12 JUDGMENT - Deft's motion to dismiss granted as to counts 1 & 2 of the complaint pursuant to Rule 12(b)(1) on grounds that Court lacks jurisdiction over the subject matter and on the alternative ground pursuant to Rule 12(b)(6) that plff. has not stated a claim upon which relief can be granted. Counts 3 & 4 of the Complaint are dismissed pursuant to Rule 12(b)(1) on the ground that court lacks jurisdiction subject matter.

3/11/88 PLAINTIFF'S NOTICE OF APPEAL -

3/17/88 MAILED RECORD OF APPEAL TO THE 4TH CIRCUIT - consisting of pleadings, Volume I; index and trans. ltr.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION
CASE NO: 87-31-CIV-7

VERA M. ENGLISH,)	
Plaintiff,	)	COMPLAINT
v.	)	FILED
GENERAL ELECTRIC COMPANY,	)	MAR 13 1987
Defendant.)	

I. STATEMENT OF THE CASE

This is a tort suit for compensatory and punitive damages and other relief for wrongful discharge in violation of a clearly established public policy and intentional infliction of economic and emotional harm by reprisal and punishment inflicted upon plaintiff in violation of the laws of the United States and North Carolina, with respect to her terms and conditions of employment with defendant General Electric Company (GE) for documenting and disclosing to GE management and to the Nuclear Regulatory Commission (NRC), defendant's noncompliance with laws, rules and regulations applicable to defendant GE's Nuclear Fuel Manufacturing Department (hereinafter NFMD), at Wilmington, North Carolina. These laws, rules and regulations are designed to protect employees and the public against nuclear contamination and to assure quality in nuclear fuel products. Defendant's conduct herein complained of is in contravention of the public policy of the laws of the United States and North Carolina, and in defiance of the peace, dignity and legal rights of its citizens, and the welfare and authority of the State.

II. JURISDICTION

Plaintiff, a natural person and defendant corporation, are citizens of different States and the amount in controversy far exceeds the sum of \$10,000. 28 U.S.C. §1332.

III. PARTIES

(a) Plaintiff, Mrs. Vera English, a highly competent, and well-trained radiation laboratory technician, was, at all times pertinent hereto, a resident of the State of North Carolina and now resides at 144 Long Ridge Drive, Wilmington, North Carolina 28405.

(b) Defendant, GE, is a corporation organized under the laws of the State of Connecticut with its principal place of business in Fairfield, Connecticut. GE at all times relevant hereto operated, and still operates, a nuclear fuel fabricating facility (NFMD) in Wilmington, North Carolina.

IV. BACKGROUND

1. NFMD, the facility operated by defendant, General Electric Company (GE), in Wilmington, North Carolina, uses radioactive materials for the purpose of producing nuclear reactor fuel and uranium powder. Simply stated, incoming uranium is converted chemically to a powder which is either then, in a ceramic process, made into pellets, which are assembled into fuel rods and bundles, or the powder is sold to others for the purpose of being made into nuclear reactor fuel.

2. NFMD is subject to the provisions of the Atomic Energy Act of 1954, as amended, 42 USC §2011, *et seq.*

3. Under that Act, GE is required to have a license to operate its NFMD. A license may be issued by the Nuclear Regulatory Commission only after NRC review of the application for a license and the license contains numerous conditions. These license conditions, which include compliance with all provisions of the Atomic Energy Act and NRC regulations are legally binding on licensees such as GE in order to assure adequate protection for the worker and public health and safety.

4. A critical part of the process of producing nuclear reactor fuel or powder at the GE facility was and is the operation of the Chemical Metallurgical Laboratory (Chemet Lab) various departments of which provide metallurgical, environmental, chemical and spectrographic analyses on small uranium samples brought to the Lab from the production areas of the plant. These analyses are intended to assure that the uranium powder and nuclear fuel meet the rigorous quality standards established by the NRC to assure safe operation of nuclear plants using this fuel.

5. Mrs. English was employed at the Chemet Lab as a laboratory technician, at an annual salary as of the time of her departure of \$30,486, plus fringe benefits, from November 13, 1972 until March 15, 1984 when she was involuntarily transferred to a degrading "make work" job from which she was fired on July 30, 1984. During the period of her work in the Chemet Lab, particularly relevant here, Mrs. English's work consisted of quality control, assuring that the mix of uranium in the powder was

accurate. The safe operation of nuclear facilities using this fuel depends upon the accuracy of the mixture of uranium in each fuel pellet.

6. Because the presence of uranium powder at any level of enrichment involves potentially dangerous levels of radioactivity, stringent requirements have been established by the NRC and by GE to protect workers in the Chemet Lab including checking by specially trained personnel known as "Rad Safety Men," using special detection instruments, to detect movable and immovable uranium contamination; self-checking for radiation contamination of persons leaving the laboratory; special hoods and fans to pull off any stray uranium powder in the areas of the Chemet Lab where analyses are performed; and wearing of special lab coats, gloves and safety glasses.

7. It is the duty of all employees of nuclear facilities such as the NFMD to report all violations of safety standards to appropriate supervisory personnel, and, if appropriate, to the NRC. This duty is embodied in 10 CFR Parts 19 and 20, among others, and failure to obey this requirement may result in criminal action against the employee as provided in 42 USC §2273. —

8. The purpose and policy of congress and the NRC in enacting 42 USC §2273 and 10 CFR Parts 19 and 20 was and is to encourage employees of nuclear facilities, such as NFMD to uncover, document, prove and report what employees perceive to be violations of safety requirements by their employer.

9. Prior to March 15, 1984, Mrs. English's complaints to management had been ignored by management

and management had disparaged and derided her as paranoid. They accused her of attempting to perform supervisors' work, for voicing safety and quality concerns, pretended that management observed no violations and demanded that she perform the often essentially impossible task of providing additional proof of any violations she alleged.

V. THE WRONGFUL REMOVAL OF MRS. ENGLISH FROM THE CHEMET LAB AND HER SUBSEQUENT WRONGFUL DISCHARGE

10. On February 13, 1984, Mrs. English reported to NRC that many safety hazards and illegal practices were present in the Chemet Lab at NFMD, for which corrective action had not been taken although GE had been made aware by her of similar safety hazards and illegal practices in the Lab.

11. The names of employees making complaints of this type to the NRC are normally expected to be kept confidential.

12. On February 24, 1984, Mrs. English forwarded essentially the same complaints in a written report to Mr. E. A. Lees, the Quality Assurance Manager (later General Manager) of GE's NFMD.

13. Beginning on March 5, 1984, Mrs. English noticed at the beginning of her shift substantial radiation contamination at her work station in the Chemet Lab and in other work areas she used in the lab.

14. On March 5, 6, 7, 8 and 9, Mrs. English spent considerable work time cleaning up radiation contamination at and around her work station left by workers on the preceding shift.

15. On March 5, observing the unusual presence of a Rad Safety man in the Chemet Lab, a phenomenon she had not witnessed for years, Mrs. English called him over to her work bench to see whether he would discover the pile of nuclear contaminated material she had collected and swept to the rear baseboard of her work table. This pile consisted of accumulated drippings from the outside of the vials delivered by the factory to the Chemet Lab for testing. After finishing each tray of vials, the drippings from said vials are customarily brushed by lab technicians to the back of their work tables, and are customarily disposed of by them at the end of their shift. After responding to Mrs. English's summons, the Rad Safety man said her work table was clean. At the end of her shift, Mrs. English cleaned up the pile of contaminated matter which the Rad Safety man had not detected.

16. Finally, on March 10, at the end of her shift that began on March 9, Mrs. English decided that the only way to convince management of the validity of her concerns about the dangerous conditions in the Chemet Lab and of other workers' failure to follow safety procedures, charges she had raised before without GE properly responding, was to identify some of the areas of radiation contamination with red tape (used to mark off radiation hot spots) and have her regular supervisor, Mr. William Lacewell, see the conditions when he and she were next on duty, which would be on the evening of March 12.

Those radiation contamination areas not so marked were cleaned by Mrs. English.

17. On March 12 at the start of the evening shift Mrs. English showed her supervisor, Mr. Lacewell, the marked off areas of contamination in the Chemet Lab. They had not been cleaned by any GE employees using the Chemet Lab between March 10 and March 12. Mrs. English also reported to him the failure of the Rad Safety man to detect contamination on her work bench on March 5, which, to Mrs. English, proved that the Rad Safety man either did not know how to find visible nuclear contamination or did not have an operative detection instrument.

18. Following Mrs. English's discussion with Mr. Lacewell many of the safety problems identified by Mrs. English were fixed and the contamination was cleaned. This work required a work stoppage in the affected areas of the Chemet Lab.

19. In a letter dated March 15, 1984, addressed to Mrs. English, GE charged Mrs. English with several violations of Company and/or NRC requirements, including:

- (1) unauthorized removal of a personal nuclear survey instrument (known as a "frisker") from the entrance to the laboratory for use elsewhere in the plant;
- (2) deliberate contamination of a table;
- (3) failure to clean up contamination, knowing it existed;
- (4) the continued distraction of other laboratory employees; and
- (5) disruption of normal laboratory activities.

20. Mrs. English appealed the charges and all but charge number (3) were dropped because they were deemed demonstrably false or not capable of substantiation.

21. GE concluded that charge number (3) was substantiated and imposed on Mrs. English the following punishment:

- (a) removal from the Chemet Lab;
- (b) bar from entry into the Chemet Lab or from employment in or entry to any "controlled areas" in NFMD;
- (c) indefinite assignment - to menial "make work" in Building "J" and the Central Stores warehouse.

22. Internal management documents establish that the purpose of these measures was to punish Mrs. English for what management termed her "subversive" activity and to prevent Mrs. English from continuing to obtain evidence to prove that management was failing adequately to police compliance with NRC safety and quality regulations.

23. GE's internal investigation of the charges of poor quality control made by Mrs. English in large part substantiated Mrs. English's allegations. However, there was virtually no effort by the GE management fairly to appraise and thoroughly to investigate the validity of concerns Mrs. English raised over Chemet Lab safety.

24. Following delivery of the letter of March 15, 1984: (a) Mrs. English was removed from the Chemet Lab under guard, as if she were a criminal; exposing her to the contempt and ridicule of fellow employees; (b) Mrs.

English was watched constantly, i.e., subjected to surveillance, by a member of management from a desk overlooking hers in Building J; and (c) Mrs. English was isolated from her fellow workers and not even permitted to eat lunch in the company lunch room with them.

25. Mrs. English was subsequently advised on April 30, 1984, that she would have to "bid" for a position in the plant other than in the Chemet Lab and that if none were available within 90 days she would be placed on a "lack of available work" status, a euphemism for being fired.

26. On July 30, 1984, 90 days after she had been put on notice that she would have to "bid" for an open, non-controlled area, position at the plant to stay employed, no such position having been offered to her, Mrs. English was fired by GE. A day before, further to punish and humiliate Mrs. English, management sent her home to get "safety shoes" although plant rules did not require that anyone in the area in which she was working wear safety shoes.

27. This treatment of Mrs. English was clearly discriminatory because at least two shifts of other workers observed the same contamination areas marked off by Mrs. English between March 10 and March 12, without cleaning or reporting it, and no action of any kind (not even an investigation) was undertaken by GE with respect to any workers from those shifts. Similar failures to clean up known contamination and/or to self-monitor for contamination in the past by other employees had also never resulted in the kind and severity of disciplinary treatment meted out by GE to Mrs. English.

28. Indeed, heedless, careless and negligent or deliberate contamination of the work place by other workers, although reliably reported and complained of by Mrs. English in the past, and readily confirmable, was never even investigated (much less punished) by GE management prior to or after July 30, 1984.

29. Management's discriminatory treatment of Mrs. English was motivated by GE's desire to punish her for raising safety concerns, the resolution of which caused, was causing and would continue to cause delay in production at the GE plant, embarrass GE with its principal regulator, the NRC, and encourage other employees to observe, prove and report GE's sloppy and potentially dangerous safety procedures.

30. GE was also motivated by a desire to teach Mrs. English a lesson and make her an example to the rest of the GE work force that GE would not tolerate but would instead severely punish employees who insisted on compliance with safety regulations and reported GE violations to the NRC as required by law.

31. Not only did GE discriminate against Mrs. English, but GE management conspired to fraudulently charge that Mrs. English violated GE safety rules and criminal statutory prohibitions which they knew did not exist or the violation of which they knew did not occur. GE management devised and utilized this fraudulent charge as the pretext for removal of Mrs. English from her prestigious job in the Chemet Lab; transferring her to a degrading "make work" job; foreclosing her from employment and even from entering the Chemet Lab and, when Mrs. English failed to resign, discharged her on

July 30, 1984, because she had exposed and threatened to continue to expose as sham, management's pretended concern with employee and public health and safety in the NFMD.

32. NRC investigated the allegations of Mrs. English through its Region II office in Atlanta, Georgia. Even though this office is now under investigation for systematically downgrading violations of nuclear licensees under its jurisdiction and for failure to vigorously process allegations of wrongdoing by the licensees under its jurisdiction, it nonetheless found a substantial number of the violations alleged by Mrs. English to be valid and ordered GE to take corrective action.

33. But for the courage and persistence of Mrs. English the safety problems in the Chemet Lab would not have come to light and the safety measures now taken to correct some of those problems would never have been taken. Because of the reprisals to which Mrs. English has been subjected, absent full vindication for her by this Court, it is highly unlikely that any other GE employee will press to have the extant safety problems and violations at the plant corrected or to report new or heretofore undisclosed safety problems.

34. If Mrs. English had not reported the safety problems and regulatory violations of which she was aware, she would have violated federal laws and regulations and would have been subject to criminal prosecution.

VI. THE CONSEQUENCES OF THE WRONGFUL DISCHARGE

35. Subsequent to being fired by GE Mrs. English has been unable to find acceptable employment and has become impoverished.

36. Subsequent to being fired by GE and as a direct result of its deliberate conduct directed against her as described in paragraphs 21 through 31, above, Mrs. English suffers from a severely depressed and emotional condition which has required professional psychiatric treatment.

37. Her examining psychiatrist concluded that she suffers from a severe adjustment reaction coupled with depression and anger ("agitated depression") all associated with and caused by the discriminatory conduct of GE directed against Mrs. English because of her "whistle blowing."

38. On the recommendation of her psychiatrist Mrs. English has received extensive psychotherapy and medication to treat her condition.

39. At the time of the filing of this complaint Mrs. English is financially destitute and unable to support herself although prior to being fired by GE in 1984 she was a well-paid, extremely competent and highly-regarded laboratory technician. Her degraded financial and emotional condition is a direct result of the actions of GE directed against her.

40. As a direct result of the actions of GE described above, plaintiff has paid and/or incurred the following costs:

Past and future pay, including benefits	\$328,645.00
Mrs. English's out of pocket costs and expenses	24,026.62
Psychological Service Fees (only through December 10, 1985, and not including additional amounts incurred since then, claimed here and to be proved at trial)	<u>2,955.00</u>
TOTAL	\$355,626.62

FIRST CLAIM

41. The allegations of paragraphs 1 to 40 are real-
leged and incorporated here.

42. Mrs. English's transfer out of the Chemet Lab, assignment to a "make work" job in Building "J", and discharge because of her insistence on reporting safety violations at GE's nuclear facility as she was required by law to do, constitutes a wrongful discharge in violation of the strong public policies embodied in the laws of the United States, which encourage and require safe operation of nuclear facilities and require workers to report potential violations of NRC regulations. These public policies are fundamental to a safe and just society. Mrs. English's wrongful discharge entitles her to compensatory damages from GE, including lost wages and fringe benefits.

SECOND CLAIM

43. The allegations of paragraphs 1 to 42 are real-
leged and incorporated here.

44. Mrs. English's discharge in retaliation for her compliance with the law by reporting safety hazards and violations by GE of NRC safety regulations constitutes a gross, wanton and reckless violation of public policy and disregard of her rights, and was done with actual malice entitling her to punitive damages against GE.

THIRD CLAIM

45. The allegations of paragraphs 1 to 40 are realleged and incorporated here.

46. GE's actions set forth in paragraphs 21 through 31, above, were extreme and outrageous conduct intended to cause Mrs. English emotional distress.

47. The actions of GE have caused Mrs. English mental anguish and severe emotional distress as set forth in paragraphs 36 and 37, above.

48. Mrs. English is entitled to compensatory damages for medical expenses as well as for the pain and suffering engendered by the emotional distress.

FOURTH CLAIM

49. The allegations of paragraphs 1 to 40 and 46 to 48 are realleged and incorporated here.

50. GE intentionally inflicted emotional distress on Mrs. English as "punishment" for her reporting violations to the NRC and to make an example of her.

51. This intentional conduct was done with actual malice and entitles Mrs. English to punitive damages against GE.

PRAYER FOR RELIEF

Wherefore plaintiff respectfully requests that the Court:

1. Grant plaintiff a jury trial on all issues so triable.
2. Award her compensatory damages on her First Claim for lost wages and fringe benefits in an amount of at least \$328,645.00, the specific amount to be determined at a trial of this matter.
3. Award her compensatory damages on her Third Claim for medical expenses and pain and suffering in an amount of at least \$1,000,000.00, the specific amount to be determined at a trial of this matter.
4. Award her punitive damages on her Second and/or Fourth Claims in the amount of 5% of the net worth of defendant General Electric Company, the specific amount to be determined at a trial of this matter.
5. Award her pre-judgment and post-judgment interest on all amounts as allowed by law.
6. Direct defendant to remove from its files any and all documents reflecting adversely on plaintiff arising out of her actions on March 5 and 9, 1984; and enjoin defendant from conveying any information about its disciplinary action and ultimate termination of plaintiff to any prospective employers of plaintiff.
7. Award her all costs incurred in pursuing this action, including reasonable expert witness fees and attorney's fees.
8. Grant such other and further relief as to the Court seems just and proper.

This the 13th day of March, 1987.

ATTORNEYS FOR PLAINTIFF

/s/ M. Travis Payne
M. Travis Payne
Edelstein and Payne
P.O. Box 12607
Raleigh, NC 27605
(919)828-1456

/s/ Mozart G. Ratner
Mozart G. Ratner
4400 Jenifer St., N.W.
Suite 350
Washington, D.C. 20015
(202)362-4060

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

87-31-CIV-7

VERA M. ENGLISH,)	
Plaintiff,	)	AMENDMENT
	)	[Rule 15(a),
v.	)	F.R.C.P.]
GENERAL ELECTRIC COMPANY,	)	FILED
Defendant.	)	APR 29 1987

Now comes Plaintiff, by and through her undersigned counsel, and hereby amends her Complaint as a matter of right, pursuant to Rule 15(a) of the Rules of Civil Procedure, as follows:

1. Add the following sentence at the end of Paragraph #7 of the Complaint: "The duty to follow such laws and report potential criminal violations, and the public policy upon which it rests, is also embodied in the Constitution of the United States and the Constitution of North Carolina."

2. Substitute the following Paragraph #42 for the paragraph currently numbered 42 in the Complaint:

"42. Mrs. English's transfer out of the Chemet lab, assignment to a "make work" job in Building "J", and discharge because of her insistence on reporting safety violations at GE's nuclear facility as she was required by law to do, constitutes a wrongful discharge in violation of the strong public policies embodied in the Constitution and laws of the United States and the Constitution of

North Carolina, which encourage and require safe operation of nuclear facilities and require workers to report potential violations of NRC regulations and potential violations of criminal laws. These public policies are fundamental to a safe and just society. Mrs. English's wrongful discharge entitles her to compensatory damages from GE, including lost wages and fringe benefits."

This the 29th day of April, 1987.

Attorneys for Plaintiff

/s/ M. Travis Payne
M. Travis Payne
Edelstein and Payne
P. O. Box 12607
Raleigh, N.C. 27605
(919) 828-1456

/s/ Mozart G. Ratner
Mozart G. Ratner
Suite 600
5225 Wisconsin Ave., N.W.
Washington, D.C. 20015
(202) 362-4062

CERTIFICATE OF SERVICE

This is to certify that the foregoing document was this day served upon Defendant by placing it in the United States mail, postage pre-paid, addressed as follows:

William W. Sturges
Weinstein & Sturges
810 Baxter Street
Charlotte, N.C. 28202

This the 29th day of April, 1987.

/s/ M. Travis Payne

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION
Civil Action No. 87-31-CIV-7

VERA M. ENGLISH,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY,

Defendant.

MOTION TO
DISMISS
Rule 12(b)
F.R. Civ. P.

The defendant moves the Court as follows:

1. To dismiss the First and Second Claims of the plaintiff's complaint for wrongful discharge and punitive damages pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the ground that the complaint fails to state a claim against defendant upon which relief can be granted under North Carolina law.

2. To dismiss the First and Second Claims of the plaintiff's complaint for wrongful discharge and punitive damages pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure on the ground that the claims alleged are state law claims which have been preempted by federal law.

3. To dismiss the Third and Fourth Claims of the plaintiff's complaint for intentional infliction of severe emotional distress and punitive damages pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the ground that the complaint fails to state a claim upon which relief can be granted under North Carolina law.

4. To dismiss the Third and Fourth Claims of the plaintiff's complaint for intentional infliction of severe emotional distress and punitive damages pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure on the ground that the claims alleged are state law claims which have been preempted by federal law.

The grounds for dismissal are more fully set forth in a memorandum in support of this motion served herewith.

This the 5th day of May, 1987.

/s/ William W. Sturges
William W. Sturges

Weinstein & Sturges, P. A.
810 Baxter Street
Charlotte, North Carolina 28202
(704) 372-4800

OF COUNSEL:

Peter G. Nash
Dixie L. Atwater
OGLETREE, DEAKINS, NASH,
SMOAK AND STEWART
1200 New Hampshire Avenue, N.W.
Suite 230
Washington, D.C. 20036
(202) 887-0855

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

VERA M. ENGLISH,	)	Civil Action No.
Plaintiff,	)	87-31-CIV-7
)	
v.)	
GENERAL ELECTRIC COMPANY,	)	MOTION TO
Defendant.	)	DISMISS THE
	)	COMPLAINT AS
	)	AMENDED

The defendant shows unto the Court the following:

1. The complaint in this action was filed on March 13, 1987.
2. The complaint was amended by plaintiff under Rule 15(a) of the Federal Rules of Civil Procedure by a document dated April 29, 1987.
3. On May 5, 1987 defendant filed a Motion to Dismiss and a Memorandum in support of that motion.
4. The defendant now moves that the Complaint as Amended be dismissed for the same reasons set forth in its May 5, 1987 Motion to Dismiss and in support thereof adopts its May 5, 1987 Memorandum.

Respectfully submitted, this the 7th of May, 1987.

/s/ William W. Sturges
William W. Sturges
WEINSTEIN &
STURGES, P.A.
810 Baxter Street
Charlotte, North Carolina
28202
704/372-4800

COUNSEL FOR
DEFENDANT

OF COUNSEL:

Peter G. Nash
OGLETREE, DEAKINS, NASH,
SMOAK AND STEWART
1200 New Hampshire Avenue, N.W.
Suite 230
Washington, D.C. 20036
202/887-0855